

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**Bright Data Ltd.,**

**Plaintiff,**

**v.**

**Teso LT, UAB, Oxysales, UAB, and  
Metacluster LT, UAB,**

**Defendants.**

**Civil Action No.  
2:19-cv-00395-JRG**

**AGREED MOTION TO CONTINUE TRIAL SETTING**

Plaintiff Bright Data Ltd. (“Bright Data”) and Defendants Teso LT, UAB, Oxysales, UAB and Metacluster LT, UAB (collectively, “Oxylabs”) file this Agreed Motion to Continue Trial Setting (the “Motion”) and respectfully request that the Court continue the September 13, 2021 jury selection date and trial setting to the earliest convenient date for the Court following the Jewish holiday of Yom Kippur.

Currently, this case is set for a one-week jury trial beginning with jury selection on September 13, 2021. The Jewish holiday of Yom Kippur begins at sundown September 15 and concludes at sundown September 16, 2021. As such, Oxylabs’ trial counsel, Mr. Leventhal, and its invalidity expert witness, Dr. Freedman, will be unable to attend trial during that period as Jewish tradition, which both Mr. Leventhal and Dr. Freedman observe, require attendance at religious services and refraining from all work activities.<sup>1</sup> Certain of Bright Data’s witnesses, many of whom are citizens of Israel, also observe the holiday. For these reasons, the parties respectfully

---

<sup>1</sup> See <https://www.pbs.org/newshour/nation/cheat-sheet-yom-kippur>.

request that the Court continue the trial setting to the earliest convenient date for the Court following October 22, 2021.

Trial counsel for Bright Data, including Mr. Cherian and Mr. Harkins, have another previously set federal trial for two weeks starting on September 27, 2021.<sup>2</sup> Oxylabs' trial counsel Mr. Govett has a previously set federal trial<sup>3</sup> the week of October 11 and Oxylabs' damages expert is unavailable from October 11 to October 22 due to his wedding and honeymoon.

If possible, the parties respectfully request that the pretrial conference date be maintained to aid with trial preparation. The parties have filed five motions for summary judgment, five *Daubert* motions, and other pretrial motions such as motions *in limine*. The Court's rulings on such motions will assist the parties with their respective trial preparations.

Given the foregoing, the parties respectfully request that the Court continue the September 13, 2021 jury selection date and trial setting to the earliest convenient date for the Court after October 22, 2021.

---

<sup>2</sup> *The Coleman Co., Inc. v. Team Worldwide Corp.*, 2:20-cv-351-RGD-RJK (E.D. Va), ECF No. 26.

<sup>3</sup> *SPS Techs., LLC v. Briles Aerospace, Inc.*, 2:18-cv-09536-MWF-AS (C.D. Cal), ECF No. 792.

Dated: August 6, 2021

Respectfully submitted,

s/Robert Harkins

J. MARK MANN

Texas State Bar No. 12926150

mark@themannfirm.com

G. BLAKE THOMPSON

Texas State Bar No. 24042033

blake@themannfirm.com

**MANN | TINDEL | THOMPSON**

300 West Main Street

Henderson, Texas 75652

Telephone: (903) 657-8540

Telecopier: (903) 657-6003

KORULA T. CHERIAN

sunnyc@ruyakcherian.com

ROBERT HARKINS

bobh@ruyakcherian.com

**RUYAKCHERIAN LLP**

1936 University Avenue, Suite 350

Berkeley, California 94702

Telephone: (510) 944-0192

RONALD WIELKOPOLSKI

ronw@ruyakcherian.com

**RUYAKCHERIAN LLP**

1901 L Street, NW, Suite 700

Washington, DC 20036

Telephone: (202) 838-1560

S. CALVIN CAPSHAW

Texas State Bar No. 03783900

ccapshaw@capshawlaw.com

ELIZABETH L. DERIEUX

Texas State Bar No. 05770585

ederieux@capshawlaw.com

**CAPSHAW DERIEUX, LLP**

114 E. Commerce Avenue

Gladewater, Texas 75647

Telephone: (903) 845-5770

*Counsel for Bright Data Ltd.*

Dated: August 6, 2021

BRETT C. GOVETT  
Texas State Bar No. 08235900  
brett.govett@nortonrosefulbright.com  
**NORTON ROSE FULBRIGHT US LLP**  
2200 Ross Avenue, Suite 3600  
Dallas, Texas 75201  
Telephone: (214) 855-8000  
Telecopier: (214) 855-8200

DANIEL S. LEVENTHAL  
Texas State Bar No. 24050923  
daniel.leventhal@nortonrosefulbright.com  
**NORTON ROSE FULBRIGHT US LLP**  
1301 McKinney, Suite 5100  
Houston, Texas 77010-3095  
Telephone: (713) 651-5151  
Telecopier: (713) 651-5246

Respectfully submitted,

s/Steven Callahan  
MICHAEL C. SMITH  
Texas State Bar No. 18650410  
michael.smith@solidcounsel.com  
**SCHEEF & STONE, LLP**  
113 East Austin Street  
Marshall, Texas 75670  
Telephone: (903) 938-8900  
Telecopier: (972) 767-4620

STEVEN CALLAHAN  
Texas State Bar No. 24053122  
scallahan@ccrglaw.com  
CRAIG TOLLIVER  
Texas State Bar No. 24028049  
ctolliver@ccrglaw.com  
GEORGE T. "JORDE" SCOTT  
Texas State Bar No. 24061276  
jscott@ccrglaw.com  
MITCHELL SIBLEY  
Texas State Bar No. 24073097  
msibley@ccrglaw.com  
JOHN HEUTON  
Admitted *Pro Hac Vice*  
jheuton@ccrglaw.com  
**CHARHON CALLAHAN**  
**ROBSON & GARZA, PLLC**  
3333 Lee Parkway, Suite 460  
Dallas, Texas 75219  
Telephone: (214) 521-6400  
Telecopier: (214) 764-8392

*Counsel for Defendants Teso LT, UAB,  
Oxysales, UAB, and Metaccluster LT, UAB*

**CERTIFICATE OF CONFERENCE**

The undersigned certifies that, on August 2, 2021 and August 6, 2021, he met and conferred by telephone with counsel for Bright Data, Robert Harkins, Esq., and Bright Data has agreed to the relief requested in the foregoing motion.

s/Steven Callahan  
STEVEN CALLAHAN

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on August 6, 2021. As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

s/Steven Callahan  
STEVEN CALLAHAN